

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of License 6519 (Application 15733)

**Yggdrasil Land Foundation, Inc.**

**ORDER ISSUING AMENDED LICENSE**

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SOURCE: Anderson Creek tributary to Navarro River

COUNTY: Mendocino County

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**WHEREAS:**

1. License 6519 was issued pursuant to permitted Application 15733 on April 16, 1962, and was recorded with the County Recorder of Mendocino County on April 17, 1962, in Book 594, Page 173. Recording of this license, and subsequent orders issued thereto, is prescribed by Water Code section 1650.
2. The Division of Water Rights (Division) record of ownership for License 6519 shows the current holder of the license as Yggdrasil Land Foundation Inc.
3. A petition to change the location of the point of diversion and to add a second point of diversion was filed with the State Water Resources Control Board (SWRCB) on April 10, 2003 and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on October 10, 2003 and a protest was filed by the Department of Fish and Game. By letter dated July 8, 2004, the protest was dismissed by the Division for failure of the protestant to submit information in support of the protest.
4. The SWRCB has determined that the license shall be amended to include the following specific corrections or changes:
  - a. The point of diversion shall be deleted and amended to read:

North 501,471 and East 1,602,839, California Coordinate System of 1927, Zone 2, being within NW¼ of NW¼ of said Section 34, T14N, R14W, MDB&M.
  - b. A second point of diversion shall be added, located as follows:

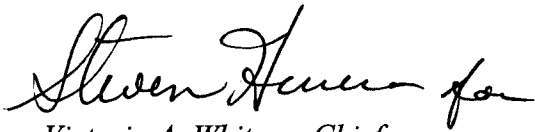
North 501,844 and East 1,602,834, California Coordinate System of 1927, Zone 2, being within SW¼ of SW¼ of said Section 27, T14N, R14W, MDB&M.
5. The SWRCB standard license terms pertaining to continuing authority, water quality objectives, protection of endangered species, and the need for State Department of Fish and Game stream alteration agreement shall be updated or added to the amended license.

6. The SWRCB has determined the amended license does not constitute an initiation of a new right, and does not injure prior rights or the public trust resources of the State.

**THEREFORE, IT IS ORDERED:**

The attached Amended License 6519 is issued, superseding former License 6519 issued on April 16, 1962. The priority of Amended License 6519 is February 18, 1954.

STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney, Chief  
Division of Water Rights*

Dated:

**MAR 15 2005**

**MAILING LIST**

**REGULAR MAIL**

Nicholas F. Bonsignore, P.E.  
Wagner & Bonsignore  
444 North Third Street, Suite 325  
Sacramento, CA 95814-0228



STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**Amended License for Diversion and Use of Water**

APPLICATION 15733  
Page 1 of 5

PERMIT 9798

LICENSE 6519

**THIS IS TO CERTIFY, That**

Yggdrasil Land Foundation, Inc.  
c/o Chris Tebbutt  
11800 Anderson Valley Way  
Boonville, CA 95415

has the right to the use of the waters of **Anderson Creek**

tributary to **Navarro River** in **Mendocino County**

for the purpose of **Irrigation use.**

**Amended License 6519** supersedes the license originally issued on **April 16, 1962**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (SWRCB), or its predecessor, and the terms of **Permit 9798**. The priority of this right dates from **February 18, 1954**. Proof of maximum beneficial use of water under this license was made as of **July 19, 1961 and January 16, 2003** (the dates of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **eighteen-hundredths (0.18) cubic foot per second to be diverted from about May 1 to about October 31 of each year**. The maximum amount diverted under this license shall not exceed **65.7 acre-feet per year**.

The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

**THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:**

- (1) By California Coordinate System of 1927, Zone 2, North 501,471 feet and East 1,602,839 feet, being within NW¼ of NW¼ of Section 34, T14N, R14W, MDB&M.
- (2) By California Coordinate System of 1927, Zone 2, North 501,844 feet and East 1,602,834 feet, being within SW¼ of SW¼ of Section 27, T14N, R14W, MDB&M.

**A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:**

2.0 acres within the SW¼ of SW¼ of Section 27, T14N, R14W, MDB&M.  
7.0 acres within the NE¼ of NE¼ of Section 33, T14N, R14W, MDB&M.  
24.0 acres within the NW¼ of NW¼ of Section 34, T14N, R14W, MDB&M.  
4.0 acres within the SW¼ of NW¼ of Section 34, T14N, R14W, MDB&M.

37 acres total

Licensee shall comply with all provisions of Licensee's measuring and monitoring plan, dated June 17, 2003 and on file with the SWRCB. All measuring devices subject to the plan shall be properly maintained.

(0060046M)

Licensee shall not use more water under the basis of riparian right on the place of use authorized by this license than licensee would have used absent the appropriation authorized by this license. Based on the information in the Division's files, approximately 20 acre-feet per year of riparian water has been used on the place of use. Therefore, consistent with this term, licensee may not divert any additional riparian water for use on the place of use authorized by this license under basis of riparian right. With the Chief of the Division's approval, this information may be updated, and licensee may use water under basis of riparian on the authorized place of use, provided that licensee submits reliable evidence to the Chief of the Division quantifying the amount of water that licensee likely would have used under the basis of riparian right absent the appropriation authorized by this license. The Chief of the Division is hereby authorized to approve or reject any proposal by licensee to use water under the basis of riparian right on the place of use authorized by this license.

(0560300a)

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*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.*

*Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.*

*Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.*

*The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.*

*If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.*

*Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously-listed items plus fragments of bone and fire-affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber, old trails; and structure and feature remains such as building foundations and dumps. The Chief of the Division of Water Rights shall be notified of the discovery, and a professional archeologist shall be retained by the licensee to evaluate the find and recommend appropriate mitigation. Project-related activities in the area of the find shall resume only after completion of the recommended mitigation, as approved by the Chief of the Division of Water Rights.*

*This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

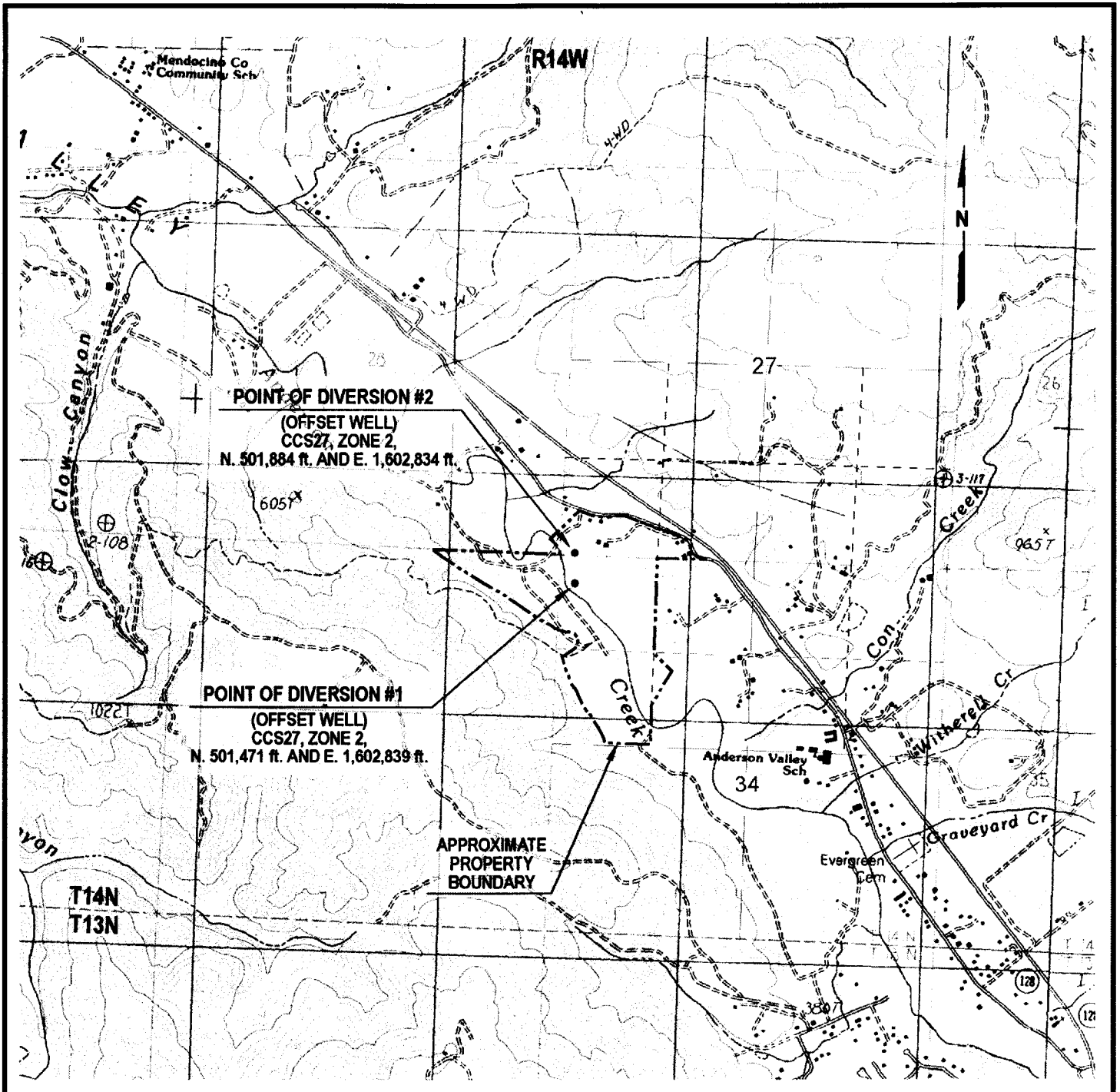
Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD



Victoria A. Whitney, Chief  
Division of Water Rights

Dated: **MAR 15 2005**



OWNER YGGDRASIL LAND FOUNDATION, INC.

SOURCE ANDERSON CREEK

POINTS OF DIVERSION

WITHIN (1) NW 1/4 NW 1/4 OF  
(2) SW 1/4 SW 1/4 OF

SECTION 27, T14N, R14W, MDB&M

COUNTY OF MENDOCINO

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

APPLICATION NO. 15733

PERMIT NO. 9798

LICENSE  
6519

U.S.G.S. QUAD PHILO

DATE:

SCALE: 1:24,000

DATE:

8/04

DRAWN:

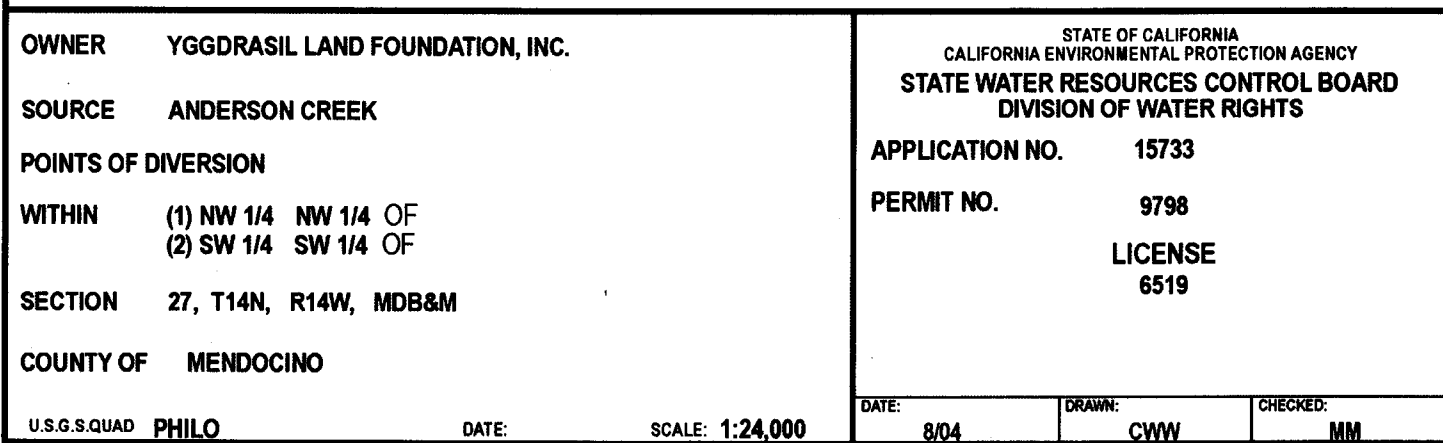
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CHECKED:

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Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.





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